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TECHNOLOGY CENTER 3600

OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE, OH 43023

In re Application of
Bert W. Elliott
Application No. 10/664,552
Filed: September 19, 2003
For: LAMINATED STARTER SHINGLE
FOR A ROOF COVERING

:
:
: **DECISION ON PETITION**
: **TO WITHDRAW THE**
: **HOLDING OF ABANDONMENT**
:

This is a decision on applicant's Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181 filed in the United States Patent and Trademark Office on July 13, 2005.
There is no fee for this petition.

The petition is **DISMISSED**.

A review of the file record indicates that the application was held abandoned for failure to timely file a proper response to the Office action mailed October 18, 2004, which set a three-month shortened statutory period. A Notice of Abandonment was mailed on June 30, 2005 stating that the response received on April 02, 2004 did not constitute a proper reply

Petitioner contends that a response was faxed on January 14, 2005. The copy of the response bears a Certificate of Transmission signed by Brooke Spieth and dated January 14, 2005.

In this regard, any petition to withdraw the holding of abandonment based upon a Certificate of Transmission/Mailing must include the following requirements:

- (1) A copy of the original response bearing a signed Certificate of Transmission/Mailing which includes the date of signing; and
- (2) A statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of transmitting the original response on the date indicated on the Certificate of Mailing (see 37 CFR 1.8 and MPEP 512), by the person who signed the certificate.

While meeting requirement (1) above the petition fails, under requirement (2), to also include a statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of sending the original response by facsimile transmission on the date indicated on the certificate, by the person who signed the certificate, in this instance, Brooke Spieth.

It is noted that all future patent application related correspondence transmitted by facsimile must be directed to the central facsimile number, (571) 273-8300. Correspondence such as draft proposals for interviews may be transmitted by facsimile to the Technology Centers. However, Office personnel are not to use their personal facsimile numbers for official application related correspondence.

If Applicants are unable to satisfy the requirements for Certificate of Transmission/Mailing outlined above they should resubmit the request that the petition be treated as a petition to revive under 37 CFR. 1. 137(b).

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.81."

Handwritten signature of Randolph A. Reese in cursive script.

Randolph A Reese
Special Programs Examiner
Patent Technology Center 3600
(571) 272-6611

RAR/rjc 10/14/05